

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re Michael J. Hewitt,)
)
) Bankruptcy No. 15-15892
)
 Debtor.) Chapter 7

COVER SHEET FOR APPLICATION FOR PROFESSIONAL COMPENSATION
(IN CASES UNDER CHAPTERS 7, 11 AND 12)

Name of Applicant: R. Scott Alsterda, Chapter 7 Trustee

Authorized to Provide Professional Services to: R. Scott Alsterda, Chapter 7 Trustee

Date of Order Authorizing Employment: May 4, 2015 - Appointment

Period for Which Compensation is Sought:

From October 29, 2015 through August 31, 2016

Amount of Fees Sought: \$ 7,236.55

Amount of Expense Reimbursement Sought: \$ 12.60

This is an: Interim Application Final Application ☒

If this is *not* the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date</u> <u>Filed</u>	<u>Period</u> <u>Covered</u>	<u>Total Requested</u> <u>(Fees & Expenses)</u>	<u>Total Allowed</u> <u>(Fees & Expenses)</u>	<u>Fees & Expenses</u> <u>Previously Paid</u>
-----------------------------	---------------------------------	--	--	--

Dated: September 9, 2016

R. Scott Alsterda, Chapter 7 Trustee
(Counsel)

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	Chapter 7
)	
MICHAEL J. HEWITT,)	Case No. 15892
)	Honorable Donald R. Cassling
Debtor.)	
)	

**TRUSTEE'S FIRST AND FINAL APPLICATION
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

NOW COMES R. SCOTT ALSTERDA, Trustee herein, pursuant to 11 U.S.C. §330, and requests the allowance of \$7,236.55 as compensation and \$12.60 for expenses, no amount of which has previously been paid.

I. COMPUTATION OF COMPENSATION

The Trustee performed at least 6.20 hours of services on behalf of the estate for the period from October 29, 2015 through August 31, 2016 with a value of \$3,069.00, exclusive of the additional time spent by the Trustee in reviewing monthly bank statements, preparing and filing the Trustee's Final Report and this Application, attending the hearing on the Trustee's Fee Application and Final Report, issuing the distribution checks and preparing and filing the Trustee's Final Account. The value of the time spent by the Trustee in this case approximates the fee amount which the Trustee can be awarded pursuant to 11 USC § 326. A detailed description of the tasks performed by the Trustee is attached hereto as Exhibit "A" and a copy of the Trustee's detailed time records for this case from October 29, 2015 through August 31, 2016 is attached hereto as Exhibit "B."

Total disbursements to parties in interest, excluding the Debtor, but including holders of secured claims are \$79,730.99. Pursuant to 11 U.S.C. §326, compensation should be computed as follows:

25% of the First \$5,000.00	\$1,250.00	(\$1,250.00 max.)
10% of next \$45,000.00	\$4,500.00	(\$4,500.00 max.)
05% of next \$950,000.00	\$1,486.55	(\$47,500.00 max.)
03% of balance	0.00	
TOTAL COMPENSATION	\$7,236.55	

The undersigned certifies under penalty of perjury that no agreement or understanding exists between the undersigned and any other person for sharing of compensation prohibited by the Bankruptcy Code. No payments have previously been made or promised in any capacity in connection with the above case.

DATE: September 9, 2016

Respectfully Submitted

R. SCOTT ALSTERDA, TRUSTEE

/s/ R. Scott Alsterda

R. Scott Alsterda, Trustee
70 West Madison, Suite 3500
Chicago, IL 60602-4283
312-977-9203
rsalsterda@nixonpeabody.com

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	Chapter 7
)	
MICHAEL J. HEWITT,)	Case No. 15892
)	Honorable Donald R. Cassling
Debtor.)	
)	

EXHIBIT A

TASKS PERFORMED BY TRUSTEE

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:) Chapter 7
)
MICHAEL J. HEWITT,) Case No. 15892
) Honorable Donald R. Cassling
Debtor.)
)

**EXHIBIT A TO TRUSTEE'S FIRST AND FINAL
APPLICATION FOR COMPENSATION AND EXPENSES**

TASKS PERFORMED BY TRUSTEE

Now comes R. Scott Alsterda, the Trustee herein and for his statement of tasks performed in the administration of this estate states as follows:

BACKGROUND

1. The Debtor filed his voluntary petition under Chapter 7 of the Bankruptcy Code on May 4, 2015.
2. The Debtor scheduled an interest in an irrevocable trust which was contingent on the passing of the Father (James J. Hewitt) in the amount of \$75,000.
3. At the creditors' meeting, the Trustee was advised by the Debtor that his Father was not in good health and the Trustee requested that the Debtor advise the Trustee if his Father passed away within 180 days of the Petition Date (*See* 11 U.S.C. § 541(a)(5)(A)).
4. On June 18, 2015 the Trustee filed a No Asset Report [Dkt. 13] and on August 28, 2015 the bankruptcy case was closed and the Trustee was discharged [Dkt. 16].
5. On or about October 7, 2015, the Trustee received correspondence from Debtor's counsel that the Debtor's Father had passed away within 180 days of the Petition Date.
6. Upon the Trustee's receipt of the news of the death of the Debtor's Father and based upon the Trustee's conclusion that the Debtor's interest in the irrevocable trust was

property of the bankruptcy estate, the Trustee contacted the Office of the U.S. Trustee regarding a motion to reopen the bankruptcy case to administer the Debtor's inheritance for the benefit of the Debtor's bankruptcy estate.

7. On November 2, 2015 the Office of the U.S. Trustee filed a Motion to Reopen the Chapter 7 Case and Appoint Trustee [Dkt. 17]. The motion was granted on November 10, 2015 and the case was reopened [Dkt. 18].

8. On November 13, 2015 R. Scott Alsterda was appointed as the Trustee for the Debtor's bankruptcy estate [Dkt. 19].

9. On November 21, 2015 the Trustee filed an initial report of assets [Dkt. 21].

10. The Trustee contacted the co-trustee of the irrevocable trust regarding the Debtor's interest in the inheritance, and on or about August 2, 2016, the Trustee received a check from the irrevocable trust in the amount of \$79,730.99 representing the Debtor's 50% inherited interest.

11. The Debtor's bankruptcy estate has been fully administered, the Trustee has reviewed the proofs of claim filed in the case, reviewed tax filing requirements and the case is ready to be closed after the funds are distributed.

TASKS PERFORMED BY THE TRUSTEE

12. Case Administration (B-110). The Trustee spent approximately 1.20 hours related to various administrative tasks. These services included a review of the motion to reopen the case and the subsequent Appointment Letter. These services also included filing the asset notice, opening a checking account, reviewing the irrevocable trust account documentation and updating the Trustee's Annual and Interim Property Reports.

13. Asset Analysis and Recovery (B-120). The Trustee spent approximately 3.60 hours related to asset analysis and recovery. These services included frequent correspondence and telephone conferences with the co-trustee of the irrevocable trust to facilitate the distribution of the Debtor's inherited interest to the bankruptcy estate.

14. Tax Issues (B-240). The Trustee spent approximately 1.10 hours related to tax issues. These services included telephone calls and correspondence with a tax accountant regarding tax return filing requirements for this case.

15. Claims Administration Objections (B-310). The Trustee spent approximately 0.30 hours related to claims and potential claim objections. These services included the Trustee's review of each of the proofs of claims filed in this case and reconciliation of the claimed amount to the scheduled claims.

16. Summary of Recorded Services. The following chart is a summary of the services provided by the Trustee from October 29, 2015 through August 31, 2016 as detailed in the Trustee's Billing Statement (see Exhibit B):

<u>Subject</u>	<u>Task Code</u>	<u>Hours</u>	<u>Value¹</u>
Case Administration	B-110	1.20	\$594.00
Asset Analysis and Recovery	B-120	3.60	\$1,782.00
Fee/Employment Applications	B-160	1.10	\$544.50
Tax Issues	B-240	.30	148.50
Claims Administration Objections	B-310		
TOTAL		<u>6.20</u>	<u>\$3,069.00</u>

17. Expenses. During the Trustee's administration of this case, the Trustee incurred charges for postage in the amount of \$12.00 and copies (10 cents per page) in the amount of .60 cents, for which reimbursement is sought as reasonable and necessary expenses under 11 U.S.C. § 330.

¹ The value for the Trustee's services is based upon an hourly rate of \$495.00.

18. The Trustee's billing statement with narrative time entries, broken down according to the Uniform Task-Based Management System, Bankruptcy Code Set for the period October 29, 2015 through August 31, 2016, is attached to the Trustee's Fee Application as Exhibit "B."

CLOSING THE CASE

19. The Trustee has prepared the Final Report and the accompanying exhibits and his Fee Application, and the Trustee will appear before the Court at the hearing on the Trustee's Fee Application and Final Report.

20. Thereafter, the Trustee will update his Distribution Report and issue the checks as set forth in the Distribution Report.

21. After the distribution checks clear, the Trustee will prepare and file his Final Account.

DATE: September 9, 2016

Respectfully Submitted

R. SCOTT ALSTERDA, TRUSTEE

/s/ R. Scott Alsterda

R. Scott Alsterda, Trustee
70 West Madison, Suite 3500
Chicago, IL 60602-4283
312-977-9203
rsalsterda@nixonpeabody.com